IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Bail Appl..No. 4393 of 2007()

[CRIME NO.407/2007 OF CHAVARA POLICE STATION]

PETITIONER/ACCUSED:

RAJAN, S/O. LATE DAMODARAN,
THURUTHIYIL VADAKKATHIL, CHOLA, PANMANA,
PUTHENCHANTHA P.O., CHAVARA.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4393 of 2007

Dated this the 20th day of July 2007

O R D E R

Application for anticipatory bail. The petitioner is the brother of the co-accused and the brother of the husband of the de facto complainant. The brothers are at loggerheads. There are civil and criminal litigations between them. The present allegation is that the petitioner, along with his brother, trespassed into the house of their elder brother and assaulted the wife of the elder brother. Allegations are under Section 452 and 323 I.P.C. Holding the brother's wife/de facto complainant by hair and assaulting her with hands is the allegation.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C can be issued in favour of the petitioner. The crucial facts having been referred already, it is not necessary to embark on a more detailed discussion.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 27/7/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 28/07/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 27/7/2007, he shall be released from custody on their executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 27/7/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007